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ABSTRACT

Representatives from Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas discuss the issues surrounding teacher and student competency and accountability. For each state, they review legislative policies and actions and the programs of the state education department regarding the use of competency and accountability standards. The report also includes the presentations of three national advisors on the role of assessment and its affect on curriculum, the time constraints involved in establishing and implementing minimal standards, and the legal issues surrounding the use of such tests. The report concludes with brief summaries of discussions on educational malpractice, the use of norm-referenced tests, and the impact of financial resources on school outcomes. Two appendices provide lists of relevant reference materials and of the names of participants. (JEE)

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ISSUES OF COMPETENCY AND ACCOUNTABILITY

The Proceedings
of an
Invitational Symposium

Austin, Texas
May 13—14, 1981

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ISSUES OF

COMPETENCY AND ACCOUNTABILITY

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The Proceedings of an Invitational Symposium
Austin, Texas
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ACKNOWLEDGMENTS

Most of us are so conscious of and conscientious about being accountable for our activities that we rarely take the time to ask ourselves the questions of "to whom" and "for what" are we accountable that are addressed in these proceedings. Before turning to them, I would like to acknowledge the help of those who accounted for themselves superlatively in bringing this Symposium into being.

For the fine quality of this document I am grateful to Jan Schechter, Conference Writer, to Cynthia Levinson and Suzanne Warlick for their assistance in editing, and to Mary Benavides for her work on the word processor.

Martha L. Smith
Project Director

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I. INTRODUCTION

Issues of competency and accountability dominate the tone of life in the United States. From the President in the Oval Office to the teacher in the rural schoolhouse come the same questions: What have we accomplished? Where have we failed? Why have our results been less than we planned? Who is responsible for our degrees of accomplishment or failure? Can we change the situation for the better? How can we tell if we actually are making improvements? What are we trying to accomplish, anyway?

Nowhere are these questions being asked more earnestly than by those who focus on public school education in the United States. They are asked on National Teacher Examinations (NTE), Scholastic Aptitute Tests (SAT), state-created tests of teachers and students, within teacher certification and evaluation procedures, and through the use of myriad other measures and combinations of measures. The questions are always there -- who is accountable? for what is s/he accountable? who is competent? in what skills is s/he competent?

Faced with taxpayers' revolts, increased interest in private school education, and the rising anger of students and parents who feel they haven't received their due, public schools are finding themselves anxious to respond to questions of competency and accountability in a sensible, thoughtful, and accurate way. Their need to make a reasoned analysis of the problems is, however, often in conflict with public pressure. For example, a recent Newsweek poll conducted by the Gallup Organization shows that 89% of those surveyed believe that 'teachers should be required to pass a competency test before they are hired.' (Newsweek, April 27, 1981, p. 79) Of course, it is left to others to determine what a valid teacher competency test might be.

The 'others' that most often have to solve the teacher competencies dilemma, as well as the student accountability puzzle, are the employees of state education agencies. Because the state education agency (SEA) generally concerns itself with teacher certification, school accreditation, and accountability standards, it must seek and test solutions to competency and accountability problems while being sensitive to public demands and legislative imperatives -- not an enviable position.

The Regional Planning and Service Project (RPSP) of the Southwest Educational Development Laboratory (SEDL) has had a continuing interest in the progress of its client state education agencies toward workable competency and accountability policies and procedures. Since 1978, the project has been instrumental in bringing its six SEAs[1] together to discuss issues and share ideas with each other and with noted national advisors in the areas of competency and accountability in education in the U.S. The Invitational Symposium on Issues of Competency and Accountability, held May 13-14, 1981, marked the third time in three years that these thorny problems have been taken up for discussion by RPSP members,[2] and such frequency is certainly an indication of their importance to the region's educational policymakers. This document, Proceedings of an Invitational Symposium on Issues of Competency and Accountability, May 13-14, 1981, summarizes the discussions and presentations of six SEA representatives, three national advisors, RPSP staff and other participants (see Appendix B) over an intense eight-hour period.

---

1 Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas

2 Issues in Minimum Competency Testing and Competency-Based Education, the proceedings of an invitational symposium held in February, 1978 in New Orleans, Louisiana, and Issues in Educational Accountability, report of a symposium in August of that year in Oklahoma City, Oklahoma are also available.

The three advisors were:

Elaine Lindheim, Director of Test Development at Instructional Objectives Exchange in Culver City, California, works on criterion-referenced measures of student competency and ways to use such measures as a positive force to improve instruction. She has worked with local school districts in California and in Detroit to 'customize' instructional materials and criterion-referenced measures and with the states of Texas, Virginia, South Carolina, Maryland, New Hampshire and Connecticut on the practical implementation of state or local mandates.

As Senior Research Psychologist and Chairman of the Teacher Behavior Research Group at Educational Testing Service, Fred McDonald works extensively on models for assessing competency using student tests. He relates this work to basic policy issues such as measuring teacher effectiveness and improving teacher education. Dr. McDonald also serves as Director of Accountability Research in New York City and Chairman of the Drafting Committee of the Newman Commission, and he conducts research on and evaluation of teachers in New York City and with the Miami-Dade School District.

Diana Pullin, who holds both a law degree and a Ph.D. in Education and who has served as an intern in testing. As staff attorney for the Center for Law & Education in Cambridge, Massachusetts, she represented students in the Debra P. vs. Turlington case in which she successfully questioned the test-for-graduation requirement in Florida. She has consulted with student groups on other potential cases and is a participant in a NIE-sponsored debate clarifying issues of minimum competency that is expected to be televised soon.

Closely following the organization of the symposium itself, the Proceedings include the following discussions.

- A Review of State Legislatures' Actions and of States Agencies' Policies Regarding Competency and Accountability
- Issues in the Region (a summary of the issues suggested by the six-state review)
- Responses of the National Advisors (the views of each of the three presentors reflecting their specific expertise and their reactions to the six-state review)
- Perspectives on Competency and Accountability (a summary of the interaction among the participants)
- Synthesis and Conclusions (an outline of the most significant features of the symposium and conclusions such a synthesis implies)

INVITATIONAL SYMPOSIUM
ON
ISSUES OF COMPETENCY AND ACCOUNTABILITY

Wednesday, May 13
Fifth Floor Conference Room

9:00AM **Welcome**

James H. Parry
Executive Director, SEDL

Introductions

Martha I. Smith, Project Director,
Regional Planning & Service Project

Review of State Legislatures and Programs

Sherman Peterson, Arkansas
David Hamilton, Louisiana
Alan Evans, Mississippi
Tom Chastain, New Mexico
Howard Portis, Oklahoma
Charles Nix, Texas
Moderator: Cynthia Levinson, Regional Planning and Service Project

Targeting the Issues

Charles Nix
Texas Education Agency

10:00AM **An Overview by the Presenters**

Elaine Lindheim, Instructional Objectives Exchange
Fred McDonald, Educational Testing Service
Diana Pullin, Center for Law and Education

11:00AM **Dinner**

Thursday, May 14
Fifth Floor Conference Room

8:30AM **Coffee and Doughnuts**

8:45AM **Perspectives on Competency and Accountability**

Elaine Lindheim, Instructional Objectives Exchange
Fred McDonald, Educational Testing Service
Diana Pullin, Center for Law and Education
Moderator: Cynthia Levinson, Regional Planning and Service Project

9:30AM **Synthesis and Adjournment**

Martha I. Smith

> "A reporting examination ... should be made of every child in every school ... with the aim of ascertaining whether those indispensable elements of knowledge are thoroughly acquired and to mark the prospects and positions of the learners dependent to a considerable extent on the results of this examination."
>
> Newcastle Commission, 1858

> "This 'payment by results' system is a 'piece of mechanical contrivance to which the teachers will and must ... learn how to bend as indeed subservient.'"
>
> Matthew Arnold, 1868

> "Examinations are inevitable even as the best preparation for the greatest final test ever given than the student may ever endure."
>
> C.C. Dalton, 1931

Participants

Mr. Tom Chastain
Evaluation Coordinator
New Mexico Department of Education

Ms. Lynn Dawson
Policy Analyst
Southwest Educational Development Laboratory

Dr. Alan Evans
Assistant Director, Division of Instruction
Mississippi Department of Education

Mr. David Hamilton
Section Chief, Legislative & Legal Analysis
Louisiana Department of Education

Ms. Cynthia Levinson
Policy Analyst
Southwest Educational Development Laboratory

Ms. Elaine Lindheim
Director of Test Development
Instructional Objectives Exchange

Dr. Fred McDonald
Senior Research Psychologist
Educational Testing Service

Mr. Charles Nix
Associate Commissioner, Planning & Accreditation
Texas Education Agency

Dr. James H. Parry
Executive Director
Southwest Educational Development Laboratory

Dr. Sherman Peterson
Associate Director, Instructional Services
Arkansas Department of Education

Mr. Howard Portis
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Ms. Suzanne F. Warlick
Administrative Assistant
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About the Presenters

Elaine Lindheim is Director of Test Development at Instructional Objectives Exchange in Culver City, California where she works on criterion-referenced measures of student competency and ways to use such measures as a positive force to improve instruction. She has worked with local school districts in California and in Detroit to "customize" instructional materials and criterion-referenced measures and with the states of Texas, Virginia, South Carolina, Maryland, New Hampshire and Connecticut on the practical implementation of state or local mandates.

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Diana Pullin has both a law degree and a Ph.D in Education and has served as an intern in testing. As staff attorney for the Center for Law and Education in Cambridge, Massachusetts, she represented students in the Debra P. v. Turlington case in which she successfully questioned the test-for-graduation requirement in Florida. She has consulted with student groups on other potential cases and is a participant in a PBS-sponsored debate clarifying issues of minimum competency that is expected to be televised this fall.

The Regional Planning and Service Project of the Southwest Educational Development Laboratory provides assistance in planning to educational policy-makers in the six-state region of Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas. Funded by the National Institute of Education, the project has three primary objectives: (1) to generate and provide information for policy analysts, planning, and decision-making, (2) to provide access to experts in policy and planning areas, and (3) to provide continuing assistance in high priority planning and policy-making areas. Primary clients are the Chief State School Officers, their senior managers, and other selected policy-makers in the six states.

These objectives are reached through a variety of activities including: distribution of selected data banks and information sources, policy analyses and planning documents, publication of policy analysis papers and trends monitoring newsletters, formal and informal consultation sessions with experts on critical educational policy issues, state-wide problem- and state-level roles, and on-going consultation in analysis of problems, identification of alternative solution strategies, and mapping of responses. The objectives are congruent with the Laboratory commitment to regional service and to the National Institute of Education commitment to technical assistance to the region and facilitation of communication among educational agencies and institutions in the region.

Project Staff

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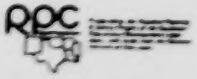

Institutional Symposium on Issues of Competency and Accountability

PROGRAM

May 13-14, 1981

Austin, Texas

Southwest Educational Development Laboratory

II. A REVIEW OF STATE LEGISLATURES' ACTIONS AND OF STATE AGENCIES' POLICIES REGARDING COMPETENCY AND ACCOUNTABILITY

The 1981 symposium began with a review of the status of competency and accountability in the six-state region of the SEDL Regional Planning and Service Project. Each state representative outlined his state's legislative and procedural view of competency and accountability and responded to questions from symposium participants. The candid state summaries which resulted revealed different approaches -- even different definitions -- guiding each of the states in its efforts to respond to crucial issues.

In the following outline of each SEA representative's remarks, legislation and procedures regarding student competency and accountability are considered first and are followed by legislation and procedures regarding teacher competency and accountability. This approach does not necessarily reflect the order selected by the individual speaker but does reflect the content and tone of his presentation.

ARKANSAS

Dr. Sherman Peterson
Associate Director for Instructional Services
Arkansas Department of Education

COMPETENCY AND ACCOUNTABILITY -- A SHARED RESPONSIBILITY WITH THE LOCAL EDUCATION AGENCY

The Arkansas Department of Education operates under legal and implied responsibilities for educational accountability which are assumed by the Director of the Department. Serving at the pleasure of the Governor and responsible to the State Board of Education, the Director of the Arkansas SEA must enforce and fairly administer educational laws enacted by the General Assembly and regulations established by the State Board of Education. Although "there is no one in the Arkansas Department of Education who has either the specific assignment nor is there a staff established for the purpose to work on education accountability full-time,"[1] it is clear from the mission of the Department of Education that many staff members must share the concern for both student and teacher competencies and accountability. The mission of the Department of Education is to:

- provide adequate and equal educational opportunity to every child in Arkansas;
- strengthen and improve elementary, secondary, adult and vocational-technical education in Arkansas;
- provide enlightened professional leadership, guidance, and supervision of the state school system;
- provide and disseminate factual information pertinent to public education to members of the teaching profession and to the public;
- seek the advice, counsel and thinking of people from all walks of life, as well as the teaching profession, in the formation of regulatory and administrative policies;
- encourage local boards of education to assume and to exercise the control of education within their communities in accordance with the statutes; and
- contribute to the strengthening of educational personnel.[2]

Accordingly, several SEA staff members have worked actively to influence legislation in competency and accountability matters so that their efforts in serving the SEA mission would be further supported by enacted law. As many SEAs across the nation have done, the Arkansas SEA has collected the accountability legislation of other states, and it has carefully monitored court challenges and judicial opinions regarding that legislation. Guided by these precedents and the belief that educational accountability is a responsibility shared by many people and organizations involved in formal education, the Arkansas SEA is formulating procedures which conform to the following legal mandates.

Student Competency and Accountability

In 1977, the Arkansas General Assembly formally authorized the State Board of Education to "establish educational goals for the public schools of the state."[3] According to Act 484 of 1977, the State Board of Education, working through the Department of Education, would establish minimum performance goals in various subject areas. Specifically mentioning reading, the Act intended to place a priority on basic skills. To involve a variety of people across Arkansas, Act 484 also mandated that hearings across the state take place as the minimum performance goals were being set. The hearings were conducted and eventually minimum performance goals were accepted for trial in grades three and six.

In support of the steps taken toward the establishment of minimum performance goals, the General Assembly next passed Act 666 of 1979, the Education Assessment Act. Requiring an annual assessment program in the public elementary and secondary schools of the state, the Act provides diagnostic information to students, parents, teachers, and the SEA, and does not intend

to influence students' grade placement or promotion. Specifically stated, the assessment program shall:

(a) measure pupil performance in the basic subjects taught generally in the schools of the state;

(b) provide data concerning the strengths and weaknesses of the instructional programs of the various school districts in the state;

(c) provide information to assist in planning education programs and identifying educational priorities;

(d) provide teachers with diagnostic information; and

(e) assess how well districts and schools are meeting state and school district educational goals and minimum performance goals.[4]

To meet these objectives, Act 666 specified the outlines of a procedure to be used in initiating the assessment program and linking it to the minimum performance goals referred to in Act 484. The Act directed the Department of Education in the 1979-80 school year, to obtain a status quo evaluation of students in grades three, six and eight using standardized tests. In the meantime, the Department was also to develop minimum performance goals for grade eight and make appropriate revisions in already established goals for grades three and six. With all of these goals established, the Department was then mandated to develop appropriate criterion-referenced tests. Validation of these tests was to begin in the spring of 1979-80 and continue through the 1980-81 school year. Appropriate grade-level teachers were to be actively involved in all phases of this process. By the 1981-1982 school year, "the minimum performance tests will be administered to students in grades three, six, and eight...and annually thereafter. These tests will be used for diagnostic purposes and will not be used to determine grade placement or for promotion of pupils."[5]

As of this time, the Arkansas Department of Education has been able to meet its timeline. The SRA test was administered to all students in grade four

and to a sample of grades three, six, and eight in the spring of the 1979-80 school year, and work proceeds now on establishing the validity of the minimum performance tests which were subsequently developed by SEA and LEA (local education agency) staff. As indicated in Act 666, the revision of minimum performance goals and, therefore, the revision of minimum performance tests, is to be a continuing task of the Department, with minimum performance goals to undergo review by the State Board of Education every five years.

Remarks of Symposium Participants

Q: Do you forsee any additional use of your testing results in the future?
A: No, no one is talking about that.

Q: How much additional staff have you been able to hire to fulfill your new obligations?
A: Three people -- 2 professional educators and one secretary.

Teacher Competency and Accountability

Currently, across the state of Arkansas, there is interest in teacher preparation as well as in student outcomes. Act 162 of 1979 authorized the State Board of Education to set down rules and regulations for teacher certification.

> The law requires persons applying for the initial certification and those teachers holding a valid certificate desiring certification in an additional area to complete the National Teachers Examination or a comparable examination developed or selected by the State Board. The State Board selected the National Teacher's Examination since no funding was provided to build a comparable examination.[6]

Applicants have been required to complete the National Teacher's Examination since January 1, 1980. Currently, under an amendment to Section 1 of Act 162 of 1979 (Act 814 of 1981), the State board of Education is evaluating the performance of Arkansas techer certification applicants on the NTE. By

February 1, 1983, the Board must set the level at which the examination is satisfactorily completed for the purposes of certification as a teacher in the state of Arkansas. After that date, "no applicant for initial certification or certification in an additional area shall receive a certificate unless the applicant scores at or above the minimum level set by the Board."[7]

The Department of Education is also turning its attention to the encouragement of increased continuing education at the local school level. Unlike many states such as Mississippi, Texas, and West Virginia, Arkansas has no mandatory number of staff development days which either compose an acceptable school year or qualify a school district for accreditation. There is interest in Arkansas in the further development of continuing education classes focused on local teacher needs as it is thought that such inservice could be more relevant than university courses. To this end, the Department of Education hopes "to sponsor more state-directed workshops which will include training related to both school accreditation and improvement of specific student skills. Also supporting local school efforts are plans "for establishing resource centers in three geographic locations in the state. Various state services will be shifted or transferred to the Centers where they will be more accessible to local school districts."[8] Additional inservice is anticipated with the establishment of executive academies sponsored by the Department of Education. These academies will provide "training opportunities in school administration to practicing administrators."[9]

Remarks of Symposium Participants

Q: You have told us that the NTE will be used to determine teacher certification. Will it also be used diagnostically?

A: Indirectly, but it will be very difficult. Since there are central testing centers, applicants do not necessarily take the exam at the universities which provided their training. Without being able to directly associate every student with his/her alma mater, we cannot provide any real guidance to teacher training institutions.

Q: Regarding locally produced continuing education programs -- how are you going to exercise quality control of the wide range of programs that will be produced across the state?

A: By producing state-directed model workshops related to the improvement of student skills.

A: (Mississippi): We require each course outline to specify the amount of clock hours required to complete the work, and we require a specific description of the content.

Arkansas References

1. "Education Accountability in the Arkansas Department of Education," A Position Paper from the Arkansas SEA, p. 1.

2. Ibid, p. 3. The mission statement originally appears in the document, DEPARTMENT OF EDUCATION MISSION, GOALS, AND OBJECTIVES WITH SUPPORTING ACTIONS PLANS, 1979.

3. Ibid, p. 1.

4. Act 666 of the Acts of Arkansas of 1979, Section 2, p. 1415.

5. Ibid, p. 1417.

6. "Education Accountability in the Arkansas Department of Education," p. 1.

7. Act 814 of the Acts of Arkansas of 1981, Section 1, p. 1.

8. "Education Accountability in the Arkansas Department of Education," p. 4.

9. Ibid, p. 4.

LOUISIANA

Mr. David Hamilton
Section Chief, Legislative & Legal Analysis
Louisiana Department of Education

COMPETENCY AND ACCOUNTABILITY — MORE QUESTIONS THAN ANSWERS

Since 1977, students, parents, legislators and educators in Louisiana have been struggling with competency and accountability issues. Recognizing the need for action, legislators and state education agency personnel have plunged into problem-solving attempts, often attracting region-wide and nationwide publicity. Today, with programs in place and a sensitivity to the political influences on competency and accountability proposals, the Louisiana SEA continues to move toward workable competency testing of students, and fair, realistic accountability procedures for teachers. The problem-solving continues and so does the reflection and self-questioning — what <u>does</u> happen — and what <u>should</u> happen — when the scores come in?

Student Competency Testing

As mandated by law, the Louisiana Department of Education must set minimum standards or minimum mastery levels for basic skills to be acquired at each grade level, grades two through twelve. These skills must also be measured annually by competency tests created by the Department itself for Louisiana. In recognition of the slow process involved in developing workable standards and tests for each grade level, a three-year procedure has been developed. In the first year, the standards are set and the test created. A pilot of the exam is then run the second year, and appropriate revisions made. The test goes into effect the third year. One grade level enters the process per year so that eleven years will be required for all grades to be included in the minimum standards and thirteen years will be required for all grades to be tested in the specific competencies set forth.

The Louisiana SEA has put an emphasis on using the student assessment program to enhance compensation and remediation. Each parish has been required to create a Pupil Progression Plan (PPP) -- that is, to describe specifically the process through which the student will progress through the school system. The PPP should include the measures which will be undertaken when student deficiencies are detected. The SEA has worked with each parish on its individual plan, and it is hoped that some standardization will be evident when the plans are implemented during the 1981-82 school year. The importance of these plans is such that they will be required by the State in order for the parish to receive state money.

Remarks of Symposium Participants

Q: What grade levels have initiated standards and testing?
A: Grades three, eight, and eleven.

Q: What kinds of results have you seen?
A: It is still early. ACT scores have gone up but the program really hasn't been in effect long enough to determine what influences it may have had on the scores. Also, Dr. Hugh Peck, Assistant Superintendent for Research and Development, has some evidence that indicates that poorer districts are showing more improvement in minimum competencies testing scores than richer districts.

Teacher Accountability Procedures

Considerably more of Louisiana's attention is being paid to teacher accountability than to student competency, if the number of programs is any indication. The SEA has developed accountability programs for both entering teachers and employed teachers, and the State's Personnel Evaluation System (PES) includes everyone employed by public education from the classroom teacher to the SEA staff member. Following are the certification, evaluation, and inservice programs currently in effect:

National Teacher's Examination: By law, anyone wishing to be certified to teach in Louisiana public schools must present a satisfactory score on the NTE. The accepted cut-off score was established by the State Superintendent of

Education, and the results of testing so far have caused controversies in several teacher preparation institutions. The graduates of some colleges are performing significantly better than the graduates of some others, and there have been charges that the present cut-off scores are discriminatory. The SEA has expressed interest in working with colleges of education to use NTE scores in a diagnostic manner but it is difficult to do so as there are no state-wide standards for teacher preparation institutions. Many graduates and their institutions continue to be unhappy, and no resolution has yet surfaced.

Teacher Evaluation: In 1977, a twelve-member panel wrote guidelines for the parishes' own evaluation systems. Evaluation plans had to include:

(a) a job description for each position,
(b) specific tasks required by the job,
(c) a specific evaluation procedure evaluating probationary teachers once a year and tenured teachers at least once every three years, and
(d) a plan for remediation of teachers found to be deficient.

Parishes have all constructed such plans, and these were implemented in 1980. The immediate effect of the plans has been to force school boards to document their deliberations on teacher evaluation, and to give teachers the opportunity to improve skills.

Professional Improvement Program (PIP): The Professional Improvement Program is a five-year plan for self-improvement. These plans are written by the individual teacher and submitted to a local committee for approval. Acceptance of the teacher's plan may include coursework as well as the assumption of additional duties not part of job responsibilities. The program, with its salary and retirement benefit increases, has become very popular and very expensive. It will cost $75 million this year. Those teachers without approved PIPs may still apply for tuition-waivers for Continuing Education courses. With the approval of the principal, teachers may request tuition money for university courses in their fields of specialization (up to six hours

per semester). These courses must be in addition to the two days of inservice mandated for every teacher by Louisiana law.

Personnel Evaluation System (PES): The PES is the umbrella system which covers all persons employed by public education. It requires probationary teachers to be evaluated once a year, tenured teachers to be evaluated onceevery three years, and SEA staff to be evaluated once every three months.

Remarks of Symposium Participants

Q: Has your use of the NTE resulted in a teacher shortage?
A: Yes. However, if an applicant comes within 10% of the cut-off score, that person may apply for an E (Emergency) certificate for two years and take the test again. We are also trying to discourage teacher retirement, and we are stepping up out-of-state recruitment.

Q: How do you encourge LEA participation in all of your teacher evaluation and inservice programs? Is participation tied to accreditation?
A: No. We have no enforcement standards in that sense. If we don't approve of a school system, we don't give them the money to do the things they want to do. It would be politically crazy not to be able to accept the money the state offers, and school systems are not going to put themselves in that position.

Our programs and legal mandates in Louisiana are all relatively new. We don't know what the long-term effects of any of them will be.

MISSISSIPPI

Dr. Alan Evans
Assistant Director, Division of Instruction
Mississippi Department of Education

COMPETENCY AND ACCOUNTABILITY — THE FOCUS OF THE ACCREDITATION AND EVALUATION PROCESS

After a slow start, during which responsibility for educational accountability was moved from one SEA department to another, Mississippi has moved forward quickly to address student competency and accountability through accreditation and evaluation procedures. In doing so, the Mississippi SEA has attempted to delineate its obligations as well as the obligations of LEAs concerning student competencies and accountability. Similarly, in its approach to teacher certification, Mississippi has begun to outline procedures which will indicate the responsibilities of the state department and of higher education.

Student Competency and Accountability

In 1975, the Mississippi State Legislature passed Chapter 310, House Bill No. 35 into law. It is "an act to establish a system of educational accountability and assessment of educational performance to assist in the measurement of educational quality and to provide information to school officials and citizens." The law clearly indicates the responsibilities of the state department of education and the local school district and makes it essential that the SEA and the LEA work together. Guidelines are briefly and understandably written, and are quoted below in full.

Section 1.

(1) The Legislature hereby declares that the purpose of this act is to initiate and maintain a state program of educational accountability and assessment of performance by the State Department of Education which will obtain and provide meaningful information to the citizens about the public elementary and secondary education schools in this state. This information about educational goals adopted by the department to student achievement in areas of the school curriculum, and to investigation of meaningful relationships within this performance.

(2) The Legislature further declares that public school districts shall participate in the state accountability and assessment program and adopt compatible district plans in order to achieve improved educational accountability and to report meaningful information and results to the public.

Section 2.

(1) The State Department of Education shall develop a state accountability and assessment program which will:

(a) Establish a procedure for the continuing examination and updating of adopted state goals for elementary and secondary education.

(b) Identify goal-related performance objectives that will lead toward achieving stated goals.

(c) Establish procedures for evaluating the state's and school district's performance in relation to stated goals and objectives. Appropriate instruments to measure and evaluate progress shall be used to evaluate student performance.

(2) The state's program shall provide for an annual review which shall include assessing the performance of students in at least the public elementary and secondary schools in such areas of knowledge, skills, attitudes and understandings, and other characteristics or variables that will aid in identifying relationships and differentials in the level of educational performance that may exist between schools and school districts in the state.

(3) The State Department of Education shall:

(a) Promulgate rules for the implementation of this section.

(b) Enter into such contracts as may be necessary to carry out its duties and responsibilities under this section.

(c) Establish recommendations for components of school district accountability programs and provide technical assistance to school districts in planning and implementing their plans.

(d) Provide in-service training for personnel who will be involved in carrying out the state's program of educational accountability and assessment of performance.

(e) Monitor periodically the assessment and evaluation of programs implemented by school districts and make recommendations for their improvement and increased effectiveness.

(f) Annually report and make recommendations to the Governor and Legislature, the State Board of Education, school boards, and the general public on its findings with regard to the performance of the state elementary and secondary education school system.

(4) The State Department of Education may establish a state advisory committee on educational accountability to make recommendations and assist it in carrying out its responsibilities under this section.

Section 3.

The school board of every district in this state shall:

(a) Adopt a plan for a local acountability program designed to measure the adequacy and efficiency of educational programs offered by the school district in accordance with recommendations and criteria promulgated by the State Department of Education. The school board

> may appoint a broadly constituted citizen advisory account committee to make recommendations to the board relative to the program of educational accountability, but it shall be the sole responsibility of the district school board to implement plans required under this section.
>
> (b) Report periodically to the residents of the school districts and the State Department of Education, in such form and giving such information as the State Department of Education requires, on the extent to which the school district has achieved the goals and objectives of its adopted plans.

Section 4.

This act shall take effect and be in force from and after its passage.

The issue raised is, "For what are we accountable in education?" and once addressed, the SEA should then be able to test student learning at each grade level. But how does one match the standards, the curriculum, and the tests?

Mississippi is trying to make the match through its procedure for accreditation of schools, Aim for Excellence (AIM). Encouraged by SEA staff, school districts must ask themselves the following questions.

- What do we expect of our students?
- What program will help students meet those expectations?
- How can we measure student achievement in light of our expectations and our program?

In short, the district and each of its schools is asked to demonstrate an instructional management system in place.

Districts, schools, and school boards receive specific guidelines from the SEA through regional and state workshops which help each district and school define its instructional management system. The increasing emphasis on assisting LEAs with accreditation has motivated the SEA to move from giving local support through subject specialists to giving support through accreditation specialists. Increasingly, SEA expertise focuses less on course content and more with the unification of goals, programs, and testing in district-wide and school-wide plans. An indication of the seriousness of this endeavor may

be seen in the Evaluation Program of AIM. The following criteria describe the parameters to be applied to the development of an "Evaluation Program" of the AIM system:

1.0 All instructional program areas must include a systematic evaluative process.

2.0 A "systematic" testing process must be developed which contains the following aspects:

2.1 Evaluation techniques, items, processes, etc., must be developed by more than one individual and agreed upon by the instructional group implementing the program.

2.2 The devised evaluative process must exhibit characteristics associated with quality evaluation such as: (1) match the evaluation items with the program objectives, (2) content validity (measures the content of the instructional program), (3) reliability (measures consistency over a period of time), etc., (any other characteristics which will improve the quality of the measurement devices).

2.3 A degree of "control" of the evaluative process must exist which insures that all classes of like students be evaluated by like processes and by similar administrative procedures.

2.4 Systematic testing must be done periodically in relation to program objectives. The number of testing encounters to be determined by the district according to the programs being developed.

3.0 Collection and utilization of instructional data:

3.1 Specific data must be collected which relate student performance to program objectives at the program, school, and district levels.

3.2 Data are to be collected and analyzed systematically by grade level and/or subject area, by school, and by district.

3.3 A written plan for utilizing the evaluation data collected at the building and district level must exist.

3.4 A process must be evident which demonstrates the management of the instructional system for bringing about program change based upon results of the analysis of the evaluation data.

The entire accreditation process emphasizes local, regional, and state involvement with student competency and accountability issues, and it assumes that a thorough accreditation process will improve student achievement most dramatically because it will change what happens at the school level.

Remarks of Symposium Participants

Q: What incentive does the district and the school have to participate in the accreditation process — money?
A: No, accreditation is not tied to money. It is tied to the privilege of athletic program participation.

Teacher Competency and Accountability

Work in teacher competency and accountability has not progressed to the detail of the student plan. Currently, only teacher certification is addressed. After a year's validation study to determine cut-off scores, Mississippi now employs the NTE as the determiner of teacher certification.

The SEA also requires each institute of higher education to specify criteria for completion of teacher training and to submit that criteria to the state. In addition, the deans of colleges of education must certify each of their graduates in twenty-three generic competencies. Further, consideration is being given to framing a law which will determine entrance requirements to any Mississippi college of education.

NEW MEXICO

Dr. Tom Chastain
Evaluation Coordinator
New Mexico Department of Education

COMPETENCY AND ACCOUNTABILITY — A BASIS FOR DECISION-MAKING

At the present time, New Mexico has no legal mandate for competency testing or accountability, although the SEA does conduct a state-wide student proficiency assessment. Some discussion has taken place in the Legislature regarding teacher competency testing, and during the 1980 session, the New Mexico Legislature provided special funding for a one-year study of the issues surrounding staff and school accountability. That study is now being completed, and recommendations to the New Mexico State Board of Education, the Legislature, and the local boards of education are to be made. An interim report, detailing competency and accountability issues in New Mexico, has been widely distributed across the state, and will serve as a catalyst for further discussion as the study is completed.

Student Competency and Accountability

In 1977, the New Mexico State Department of Education established guidelines for Basic Skills learning across the state, and it required each school district to write specific curriculum plans which fit these guidelines. Because all districts must comply with the New Mexico Basic Skills plan, there is also a requirement that "the Department of Education...conduct a state-wide proficiency examination in order to determine student eligibility for a New Mexico high school diploma endorsement [underlining added]."[1] Two instruments are used, requiring proficiency to be demonstrated on both the Adult Performance Level Test (APL) and the Student Writing Skills Appraisal.

> Students graduating in 1981 will be the first recipients of the diploma endorsement based on their proficiency exam results, while the Class of 1982 will be the first graduating class to have the Writing Skills Appraisal affect the endorsement. Neither the

> High School Proficiency Exam nor the Student Writing Skills Appraisal, as segments of the requirement for the New Mexico high school diploma endorsement, eliminate the Educational Standards for New Mexico Schools or local district requirements for a New Mexico high school diploma.[2]

The tests are given for the first time at the tenth grade level, and if a student fails to demonstrate proficiency on either or both, remedial instruction must be provided and the opportunity to take the test(s) again must be given. Suggestions have been made that the use of the differential diploma will be debated in court, but as of this writing, no actual litigation has been initiated.

The student assessment associated with the Basic Skills plan supplements the long-standing New Mexico Standardized Testing Program (1970). The Program, as it currently exists, assesses the achievement of fifth, eighth, and eleventh grade students in New Mexico's public schools using the Comprehensive Tests of Basic Skills/Forms. Another testing program, the Vocational Evaluation Program, is also used to determine how well students perform in various vocational skill areas. During the current school year, 1980-81, a moratorium on the program is in effect while new test items are being developed and field-tested to meet changing vocational education curriculum needs.[3]

Teacher Competency and Accountability

Dr. Chastain did not discuss teacher competencies and accountability, but he did provide symposium participants with copies of Accountability in New Mexico Schools: An Interim Report, prepared by Dr. Agnes E. Toward, Director of the Accountability Study for the New Mexico State Department of Education. The Interim Report is part of a response to House Bill 2, 1980 session, which appropriated funds "to the State Department of Education for the purpose of conducting an accountability study of student performance as a factor in school accountability, and the inclusion of student progress in the evaluation of

local school district certified personnel.[3] Several issues were identified for study, and the Interim Report includes an analysis of these:

(1) the relationship of student progress to the evaluation of a local school district certified personnel;

(2) the use of teacher competency testing as part of hiring practices;

(3) the concept of incentive/merit pay for teachers; and

(4) the use of student performance data in the school accreditation process.[4]

Additionally, summaries may be found of measurement and analysis considerations of accountability studies, legal aspects of accountability, school and program accountability, certification and accreditation, and the work of the Accountability Study Task Force. Readers interested in the current status of accountability in the state can contact the Evaluating, Assessment, and Testing Unit of the New Mexico State Department of Education.

New Mexico References

1. Dr. Agnes E. Toward, Accountability in New Mexico Schools: An Interim Report, Santa Fe: New Mexico State Department of Education, December 1980, Appendix C, p. C-2.

2. Ibid.

3. Ibid, p. C-3.

4. Ibid, Executive Summary, p. i.

OKLAHOMA

Mr. Howard Potts, Assistant Administrator
Planning, Research and Evaluation Section
Oklahoma State Department of Education

ACCOUNTABILITY, TEACHER EVALUATION, COMPETENCY, AND STAFF DEVELOPMENT

The Oklahoma State Department of Education designed, implemented, and conducted an Accountability Program during the mid-1970s. The lack of legislative funding support, general acceptance, and full coooperation on the part of the LEAs resulted in retraction of the mandated accountability procedure approximately four years after initial implementation began. Presently, there is no legislative mandate for a student accountability or minimum competency system. A teacher evaluation bill was passed in 1977. A rather comprehensive bill (H.B. 1706) relating to teacher training, teacher minimum competencies, licensing and certification, staff development and other issues was passed in 1980.

Accountability — The Oklahoma Plan

In 1973, the Oklahoma legislature passed an Accountability measure (House Concurrent Resolution 1027) requesting that the Oklahoma State Department of Education provide regulations within its accreditation process for the implementation of an educational accountability program. The resolution further directed:

- that each school district conduct a systemwide needs assessment; that the needs assessment involve local patrons as well as school staff members and encompass all curriculum areas at each grade level;
- that the needs assessment be undertaken by the local school staff in compliance with general direction and guidelines developed by the State Department of Education;

- that a systems analysis process including goals and objectives be utilized to plan the instructional program to meet identified student needs;
- that an evaluation be designed and conducted annually to determine to what extent objectives are being met; and
- that the SEA hold inservice training sessions for administrators, local school staff, and others to effect changes in the accreditation process.

The measure focused on local district responsibility and action and did not mandate state-wide testing.

No funds were appropriated to support the work on the LEAs or the role of the SEA in assisting the local districts. Most districts approached the task professionally, although reluctantly, and worked rather hard on it. Many of these districts have continued positive aspects of the process. Some districts, however, did not take the accountability measure seriously and made minimal efforts to comply with it. Lack of funding, lack of understanding of the process and potential benefits, resistance to change, and general non-acceptance of a process viewed as imposed upon the local districts combined resulted in discontinuation of the accountability process requirement for accreditation purposes in 1977.

Teacher Competency and Staff Development

1977 saw the passage of a teacher evaluation bill written for teachers and administrators. It requires that teachers be given written regulations pursuant to their job responsibilities, and mandates that non-tenured teachers be evaluated once every three years. Additionally, it informs both school district and school personnel of due process in the event of deficiencies or disputes.

This evaluation bill has been supplemented by a detailed bill, Enrolled House Bill No. 1706 of the 1980 session, which covers staff development, teacher certification, entrance requirements for colleges of education, and support for entry-year teachers. Scheduled for complete implementation in 1982, this Act clearly puts the emphasis on the kind of support which student teachers, entry-level teachers, and experienced teachers need to do a good job. Following are some examples.

Inservice: The State will allocate funds to each school district "for the exclusive purpose of inservice teacher education staff development." The State Board of Education must approve each local school district's inservice plan, and the plan must conform to guidelines set forth by the Professional Standards Board. This section went into effect in the 1980-81 school year.

The staff development plan must be based on recommendations of a staff development committee appointed by the local school board. The committee must include classroom teachers (the majority), administrators, and parents of the local school district, and the committee should consult with higher education instructors.

Teacher Certification: "The Department, with recommendations of the Professional Standards Board, shall develop curriculum examinations in the various subject areas and grade levels for purposes of ensuring academic achievement of each licensed teacher in the area such teacher is certified to teach, as prescribed by the Board." Teacher candidates will be eligible to take the exam following the junior year or the completion of ninety college credit hours, and they will not be eligible for licensing until having passed the curriculum examination. The first curriculum examinations will be given by February 1, 1982, and thereafter at least two times per calendar year. Advisory Committees in each curriculum area are setting objectives for the exams, and the National Evaluation Services Corporation is creating the exams.

The Act does not specify who determines the validity of the exams, but they are scheduled to be tested in December.

Responsibilities of Higher Education: The Department of Education and the Professional Standards Board are required to work with a designated authority from the Oklahoma State System of Higher Education on a plan to "strengthen the screening requirements of college student applicants for admission into the education colleges of the schools of higher education" (effective July 1, 1981).

The State Board of Education also requires the successful teacher candidate to "provide evidence of having worked with children or youth in a variety of situations" and to show significant fieldwork in accredited schools under the supervision of higher education instructors (effective July 1, 1981).

The State Board must work with the State Regents for Higher Education to establish teacher education programs for teacher education faculty. The programs must be approved by teacher education faculty committees, one member of which must be a public school classroom teacher. Programs must require all full-time education faculty members, including the Dean, to serve in a state accredited public school the equivalent of at least one-half day per week for one semester. This service must occur every five years.

Support for the Entry-Year Teacher: By May 31, 1981, the Department will have established the Entry-Year Assistance Program. The Program will provide entry-year teacher position guidelines to local school districts and mandate that each entry-year teacher be afforded the support of a teacher consultant, an entry-year assistance committee and an appropriate inservice program. The teacher consultant, an experienced teacher in the school, should provide personal guidance to the entry-year teacher. The entry-year committee should assist the new teacher in all matters concerning classroom management and

inservice training. The committee will also decide whether to recommend the entry-year teacher to the State Board for certification. If certification is not recommended, it must suggest specific remediation. If it is recommended, it must suggest inservice to strengthen the teacher's teaching skills.

Remarks of Symposium Participants

Q: Does Oklahoma have reciprocity in certification?
A: Oklahoma has agreements with some states.
A: (New Mexico): No reciprocity in our state.
A: (Mississippi): No reciprocity in our state.
A: (Arkansas): No reciprocity in our state, but we are trying to achieve it.

TEXAS

Mr. Charles Nix
Associate Commissioner,
Planning and Accreditation
Texas Education Agency

COMPETENCY AND ACCOUNTABILITY -- WHAT ARE THE FUNDAMENTALS THAT EVERY STUDENT NEEDS?

The State of Texas is putting together "some of the major planks of an accountability platform." These planks are based on specific programs and/or legal mandates, and include the following:

- the school accreditation process,
- an attempt to clarify curricula expectations at various levels,
- a state-wide testing program,
- a court order in bilingual education, and
- the recently enacted legislation regarding assessment of teacher and administrator competencies.

Like the other states in the region, Texas is concerned with determining "the knowledge that all students ought to be acquiring as a result of going through school," and is equally concerned that it gets better and better at delineating what knowledge and skills teachers and administrators should have before they work in our schools. Of course, we don't expect to uncover all the answers with some bit of magic, but, like you, we hope to continue to peel away the layers of the questions, and find some guidance in our discoveries.

Student Competency and Accountability

Four of the five accountability platform planks relate most directly to students. They, in addition, have significant implications for the Texas Education Agency (TEA), Regional Service Centers, and local school districts.

The School Accreditation Process: The current school accreditation process in Texas was instituted two years ago. When the new process was developed, it marked a significant change in State Board of Education policies. Essentially, the State moved from the simple expectation that standards of good practice would be maintained, to the application of specific criteria to school

district operations which would hold them accountable for the educational outcomes the criteria implied. That is, a general sense of good school practice gave way to a specific school management approach advocated by the Texas Education Agency. That approach is a planning approach, and puts the emphasis not so much on what teachers and administrators must do, but on what students ought to learn. The accreditation standard says that "school districts must set goals for student development, not for good teaching." In order to set goals for student development, the districts must assess student needs, and they must design their programs accordingly. Districts must continually measure actual student development against student development goals, and be prepared annually to improve their programs.

The Texas Education Agency received the clout it needed to enforce this approach when the State Legislature "passed a law requiring that a school district must be accredited by the Central Education Agency in Texas in order to receive foundation school program funds" (20% to 85% of school district funding). There is now a five-year cycle during which school districts assess needs, establish priorities, build a district plan, implement the plan, evaluate the plan's effects, reassess the needs, priorities, and plan, and make appropriate adjustments. Annual evaluations assist school districts in determining whether student improvement is occurring. Schools have required a great deal of assistance with the new accreditation mandates, and have received most of the technical assistance from the regional service centers. It might be added that when Texas began this new process, district planning was emphasized. Soon we discovered that the campus made the difference, and now district plans tend to be a compilation of the campus or individual school programs.

An Attempt to Clarify Curricula Expectations: A second plank in the accountability platform is the attempt to clarify curriculum expectations. By curriculum expectations, the Texas Education Agency means those things the

students are expected to learn, not the manner in which such things should be taught. Over the past several years, TEA has attempted to designate essential learning outcomes in reading, mathematics, and most recently, written composition. We are trying to determine the fundamental tools which students must be given. Based on our thinking so far, TEA has revised its curriculum frameworks (i.e., curriculum guides), attempting to provide leadership while allowing local districts maximum authority in their curriculum decisions. Though these curriculum frameworks are not yet regulatory, TEA does strive for a common base of assumptions about student achievement across the state. The State Legislature is currently considering a bill "mandating that the State Board of Education define the basic or essential or minimum competencies across a well-balanced curriculum." At TEA, it is believed that the basics are more than language arts and mathematics, and now the State Legislature wants to know, "what then, are the basics? Let's have the State specify those things which all students ought to have every possible chance of acquiring through formal schooling."

State-wide Testing Program: After a sample testing across the state in 1978 in the areas of reading, mathematics, and writing, the Legislature passed a bill that required TEA to establish criterion-referenced tests based upon essential outcomes in reading, mathematics and writing. These essential outcomes are called minimum basic skills competencies. The tests must be administered to all students in grades three, five, and nine and they are to measure not average expectations, but minimum competencies. These are the minimum competencies virtually all grade-level students would be expected to master in reading, mathematics, and writing. Local districts are required to use these results to identify students who are not coming up to achievement in these basic minimum competencies, and to strengthen instructional programs to

bring those students up to at least minimum competence. State funds are provided to assist districts in the assessment and the subsequent remediation dictated, and the accreditation process expects these test results to be an influence in program planning. In other words, the testing program ought to be part of total district thinking. It should be added that the law requires the district to report test results to the community, adding another measure of accountability. As one might suppose, the major challenge of this testing program has been the writing sample test. Students are given a writing assignment and asked to complete it in the English language, demonstrating their ability to organize ideas in writing, and to address a specific audience. It has been very difficult to develop scoring criteria for good writing, and equally trying to train and supervise scorers so that the criteria do not shift as the scorers gain experience.

A Court Order in Bilingual Education: Texas has received a court order which specifically requires the establishment of criteria for the measurement of English proficiency on the part of non-native English speakers, and it also requires the establishment of measurement instruments for oral and written English language proficiency. There must also be a designation of quantities on each of those instruments that will represent the level of English proficiency required to function in an English-based curriculum.

Remarks of Symposium Participants

Q: Could you tell us more about the scoring of the writing sample

A: In both years, we've used a contractor. The contractors have worked with us to develop the test, and their scorers have been trained teachers or English language arts experts. They were specifically trained for scoring, and the scoring was done outside of Texas. The first year, we had 500,000 student papers, and the second year we had 700,000 papers. Each paper was graded by two scorers. The scorer judges the paper as a whole, and also scores handwriting legibility. I don't know how much it costs to score the writing sample, but the contract for scoring all three tests was a little less than $2 million this year.

Teacher Competency and Accountability

The fifth plank of Texas' accountability platform will be based on recently enacted legislation regarding assessment of teacher and administrator competencies. Senate Bill No. 50 of the 1981 session "relates to the certification of public school teachers, superintendents, or other administrators and to testing requirements as prescribed by the State Board of Education." The State Board now has the authority to establish classes of certificates and time periods for each class of certificate. The intent seems to be to move away from permanent certification to a redemonstration of skills and/or an updating of skills. Secondly, the State Board has been mandated to set up competency tests for teachers, superintendents, and other administrators. Two sets of tests must be developed. The first set of tests is to be taken by students at the end of the sophomore year before entering a university teacher preparation program. This set of tests should measure basic literacy in English and mathematics. The second set of tests will be administered just prior to certification and will measure specific pedagogical or administrative skills appropriate to the certificate application.

COMPETENCY AND ACCOUNTABILITY ISSUES IN THE REGION

It is clear that each of the six states of this region has taken different approaches toward competency and accountability demands. Each state has begun with its unique legislative base and long-standing organizations and traditions and is trying to find solutions that will fit all of these. Some states have started anew; others have tried to build on past work; all are struggling with unknowns. To summarize the status of the region, the following charts are provided. The comparisons are clear.

THE DOMINANT ISSUES IN THE REGION

As the tables indicate, the issues addressed and the policies and procedures adopted by the region's states vary considerably. In order to help the participants and consultants focus on common concerns, Mr. Charles Nix, Associate Commissioner of Planning and Accreditation at TEA, culled the competency and accountability issues suggested by the representatives' reviews. The issues identified are listed below.

- In what ways are laws and courts concerned with the relationships among curriculum, instruction, assessment, and resources?
- Should we be striving for product evidence (test results and measures of attainment) or process evidence (effective problem-solving) in accountability programs?
- Who has "ownership" of accountability — state legislatures, SEAs, LEAs, parents, students? Is there central responsibility and peripheral responsibility, and how are they distributed?
- What are reasonable expectations for students to have of the educational system? Are expectations adjusted according to outside influences on the individual student?
- How do you define the basics? How do you decide what the minimums are? Do minimums become maximums in an accountability system?
- What are the proper uses of accountability conclusions? To find weak spots in the system? To determine stewardship of the educational system? To determine certification?

SIX-STATE REVIEW OF TEACHER COMPETENCY LAWS AND PROCEDURES

	Is there a state law?	Who is responsible for implementing the policy?	How is it implemented?	What is the outcome or use?
Arkansas	Yes	State Board of Education through the State Department of Education	The National Teachers Examination is administered to all teacher certification applicants. Cut-off scores will be determined by Feb. 1983, after which NTE scores become decisive.	The NTE determines teacher certification.
Louisiana	Yes	Applicants for certification must take the National Teacher Examination. Parishes must develop teacher evaluation plans which assure due process. The superintendent sets cut-off score.	The NTE is taken by all teacher certification applicants. Parishes had to submit evaluation plans to the SEA for approval; implement plans in 1980.	NTE determines teacher certification. Evaluation plans specify due process and the opportunity for remediation.
Mississippi	Yes	State Board of Education. State Department of Education. Institutions of Higher Education.	The NTE is given to all teacher certification applicants. Approves criteria set by teacher training institutions. Certifies each graduate in 23 generic competencies.	NTE determines teacher certification. Influences goals of teacher training programs.
New Mexico	Yes	The State Education Department conducting an accountability study of student performance as a factor in school accountability and school personnel evaluation.	An Accountability task force of SEA and LEA people are studying issues specified by the Legislature.	Interim Report of findings. Recommendations will be made to the State Legislature at the end of 1981.
Oklahoma	Yes Effective 1982	Local Education Agency. State Board of Education. State Department of Education. Oklahoma State System of Higher Education	Plan & conduct teacher inservice. Plan & conduct school personnel evaluations. SEA is developing curriculum exams to use for certification. Set statewide criteria for admission to colleges of education. Assure continuing education for faculty.	Support entry-level and experienced teachers. Certify teachers according to state standards. Assure consistency across colleges of education in Oklahoma.
Texas	Yes	State Board of Education	Will require competency in language and mathematics before admission to a teacher training program in an institution. Will require a test of professional skills. Applies to teachers, superintendent & administrators.	The test will be one requirement for certification.

SIX-STATE REVIEW OF STUDENT COMPETENCY LAWS AND PROCEDURES

	Is there a state law?	Who is responsible for implementing the policy?	How is it implemented?	What is the outcome or use?
Arkansas	Yes	State Board of Education through the Department of Education	The law mandates minimum performance testing at at least three grade levels. By 1982, the state department will have developed validated minimum performance tests which will be administered to grades 3, 6, and 8.	Scores will be used for diagnostic purposes, not promotion or placement.
Louisiana	Yes	State Department of Education administers tests; LEAs implement remediation.	The SEA administers tests, grades 2-12. LEAs design Pupil Progression Plans describing test preparation.	The Test is one factor used in determining pupil progress. The PPP is required for the LEA to receive money. The PPP must specify a remediation process applicable to all students.
Mississippi	Yes	State Department of Education Local Education Agencies	The SEA conducts a testing program in grades 4, 6, 8. The SEA mandates instructional management systems. LEAs create and implement instructional management systems.	Scores are reported statewide. SEA gives technical assistance to LEAs. LEAs create a plan connecting goals, programs, testing and evaluation within their school systems.
New Mexico	No. The State Board has developed a policy in response to legislative interest.	State Board of Education Local Education Agencies	Basic Skills testing begins in 10th grade. Testing may occur if remediation is necessary. Standardized Testing in grades 5, 8, 11. Curriculum plans written.	Students who pass the Basic Skills Test receive the endorsement of the SEA on their diplomas; failure to pass results in failure to receive the endorsement, though the diploma is still awarded. Diagnostic purposes. LEAs must produce a plan which will prepare students for basic skills assessment.
Oklahoma	No			[In 1973, an Accountability Measure putting responsibility for thorough curriculum planning on the LEA was implemented but was discontinued in 1977.]
Texas	Yes	State Department of Education	Criterion-referenced tests are given at grades 3 and 5, and an exit-level test is given beginning at grade 9 until the student passes or completes grade 12.	Identification of students who do not meet minimal competencies. Program design for individual compensatory education. Report to community on status of basic skills.

- What are the best ways to determine validity and reliability of measurement instruments?

- Is it possible for the accountability system to get in the way of productivity?

- How do we encourage cooperation with and commitment to accountability? Award funds on the basis of accreditation? Encourage product management systems in the schools? Install exemplary programs using top superintendents, administrators and teachers?

* - What is the learner's responsibility? Is the school responsible for the whole child? Should we guarantee student <u>access</u> or student <u>success</u>?

- Are we going to dictate <u>everything</u> that ought to go on in schools?

(* designates an issue of particular interest to most of the participants)

It is interesting to note that these questions focus on <u>how</u> accountability can be ensured rather than on <u>whether</u> or not the state departments should be responsible for attempting to answer them. Thus, there is an underlying agreement that requiring competency and accountability on the part of state education agencies is appropriate and desirable and that it can be achieved.

III. PRESENTATIONS BY THE NATIONAL ADVISORS

Aided by Mr. Nix's synthesis and by the information provided by the state representatives, the advisors provided their individual perspectives and expertise on competency and accountability.

Ms. Elaine Lindheim
Director of Test Development
Instructional Objectives Exchange
Culver City, California

ASSESSMENT DRIVES CURRICULUM AND INSTRUCTION

There is an old Chinese curse, "May you live in interesting times," and it certainly comes to mind as I listen to all of you describe your efforts in educational competency and accountability matters. Though each of you presents a somewhat different accountability scheme, you seem to share at least four underlying concerns.

- Policy — Are we establishing a coherent policy? Who is establishing it?
- Lack of money and staff — Are we able to do what we think best under these conditions?
- Improvement of student achievement in basic skills — Will these accountability efforts truly help students?
- Sense of public and political pressure — Can we satisfy all interested parties and do what's best for the schools at the same time?

Certainly, the situation calls for a creative problem-solving model, and perhaps it calls for doing a little thinking a bit removed from the just-mentioned concerns, and focused on a specific procedure. You will find, I think, that this procedure will, in the end, address your concerns. I would like to suggest that you consider an accountability model centered on student achievement.

The model I propose stems from the option each state education agency has in performing its functions; that is, the SEA can be proactive or reactive. If it is reactive, it mainly strives to be in compliance with whatever laws, rules or regulations come down from the Legislature and the State Board of Education. If the SEA is proactive, it concerns itself with enhancement. It seeks to influence the laws, rules and regulations which it is given and moves one or

two steps further. Enhancement also has the attraction of offering the possibility to improve the public's impression of education.

Let's be honest about this. Assessment is driving curriculum and instruction today. Assessment is wedded to teaching. This is not so horrible, because I believe that these assumptions imply significant benefits.

- Students will have improved mastery of skills.
- Teachers will feel confident as they see tangible results from their teaching.
- Increased interaction will occur among students, teachers, administrators, and parents because the goals will be clear.
- Time-on-task within the classroom will increase with specific skills to be taught and specific measurement of achievement expected.
- Students' impressions of themselves and the school will improve, and so it follows that parents' impressions of student achievement and the school will improve.

What if we could somehow move away from competency testing, even now? Who, then, would be disadvantaged? Lawyers and test-makers would surely suffer, but who else? Students, especially minorities and the handicapped, would suffer because they wouldn't be as aware of their problems, and wouldn't be in a position to demand or expect appropriate remediation. Educators would be at a disadvantage because they would still be feeling public pressure without having a clear organized response. Taxpayers would be left without being able to judge value received. There must be effective testing for student competencies.

But how? How do we do what sounds so easy and logical? Tom Fisher, beleagured Director of Testing in Florida, has said, "The best defense is to have a well designed program in the first place." I would like to suggest to you some specific testing procedures that can influence the solid design of your program -- I call them Positive Proactive Procedures. These are aspects which are crucial in any testing scheme, and will increase the ultimate effectiveness of the testing.

Criterion-referenced testing. Criterion-referenced testing is to be preferred over norm-referenced testing. Norm-referenced tests, which rank students against each other, are not appropriate because they give no specific information to the individual student. Also, since they are not tied to program goals, they provide no feedback to educators concerning their programs' effectiveness. Criterion-referenced tests, measuring a student's achievement against an established standard, in all ways provides greater clarity of description.

Decide the skills to be tested. Remember that you are designing a system which tests attainment, but is secondarily diagnostic. Whoever decides what skills are to be tested should decide the minimum worthwhile skills. I suggest that the decision process ought to include public outreach. Get a wide audience involved in designating the minimums — get several perspectives. And be sure you are composing a realistic list of skills which can be mastered in the time available; don't make a wish list.

Write a rigorous explication of the program. Clearly show the relationships among the skills you've identified, the program you've developed, and the testing scheme you will employ. Be sure your writers are people familiar with instruction and measurement, and be sure the program as well as the testing is closely related to the skills list.

Create the test. Strive for congruence of test items with test skills, and don't neglect the need to create different, but equally difficult, test forms.

Allow adequate phase-in time. Provide plenty of student preparation time prior to the first scheduled testing, and plan for multiple testing opportunities.

Set performance standards. Again, with the widest possible range of decision-makers, set the standards you will accept. A group with many

perspectives represented will also be able to give advice regarding what should happen when the standards aren't met.

Give strong instructional support. Once the skills, the program, and the testing are united, support the teachers with appropriate inservice and materials. Be as clear as possible in describing what you expect the students to learn, and how you expect teachers will help them. Point out that a relevant competency-based program is based on appropriate instructional methods.

Keep concerned constituencies informed along the way. This includes students, teachers, administrators, parents, SEA staff, higher education faculty, and legislators — don't surprise anyone.

Leave everything open to revision and review.

I believe that a testing scheme which includes these aspects will support sincere competency and accountability aims. Measurement does drive instruction, and it can work for you.

Dr. Fred McDonald
Senior Research Psychologist
Educational Testing Service
Princeton, New Jersey

ACCOUNTABILITY DEMANDS PROBLEM-SOLVING, BUT DO WE HAVE THE LUXURY OF SUFFICIENT TIME?

I'm mostly interested in the relationship between teacher and student accountability, but before I speak of that, I must talk about that word, "accountability." I'm well aware that accountability is often a code word for "response to public pressure," and that makes it hard to keep the issues straight and to talk clearly about them. What are the things people talk about when they discuss accountability? They generally refer to one or more of the following:

- a preparation system for teachers — that is, a system which produces competence (knowledge plus acquired skills). SEAs here have talked about accrediting teacher preparation institutions, licensing teachers, setting standards for proper teacher preparation;
- a school improvement system — we have heard about needs assessments, evaluations, programs tied to testing, and establishment of goals;
- monitoring programs — especially as dictated by the federal government; and
- fiscal auditing.

The last two items are not part of accountability because accountability really refers to solutions to specific problems and implies a troubleshooting model and a theory of cause and effect. If you have a system of accountability, it means nothing if all it does is say, "look, fellows, you aren't doing very well." What it should do is give you two kinds of information: it should tell you where you fail in this system, and if you were significantly below the regression line, it should indicate the kind of corrective action to be taken. You're in school, you are accountable for doing something about a troubled situation. The students are obviously performing less well than they

should perform. But, an analysis is also made of the characteristics of the schools which were doing much better and that information indicates that over here they have this kind of reading program, or they have that kind of staff organization. The whole purpose of that analysis is to give people information to help them to appraise the situation and then come up with a correction action plan. What they were accountable for was acting on knowledge and the information that was available to them, and they were accountable for trying to do something about it. It strikes me that with any kind of accountability plan you have, there are those two things that need to be done. My point, therefore, is that any accountability system has to be targeted to that kind of problem solving. It functions best when it is specific -- when you're concerned about reading, you're concerned about writing, you're concerned about something else and you have real deficiencies. That is my notion of accountability.

Let me show you how it can work. Chart I (shown on page 48) shows the stages in learning, and gives you some idea of what is needed to pass through these stages. Perhaps you can look at these stages and determine a deficiency by engaging a student in a task and observing what happens. Perhaps, even, you can give a paper test, and see that learning has not occurred. But a test is only a meter, and it won't tell you the cause of the problem. You must look further to find the cause and plan remediation.

Chart II (shown on page 48) indicates the major influences on learning, and the possible sources of learning problems. We can think, for a moment, of the teaching infuences. Research has been done on teaching effectiveness, and it's pretty well demonstrated that there are differences in effectiveness among teachers based on individual differences. The research has been done, incidentally, in the last five or six years. In general, what the ineffective teacher does is depress progress at almost every point, whereas the highly

CHART I

STAGES IN LEARNING

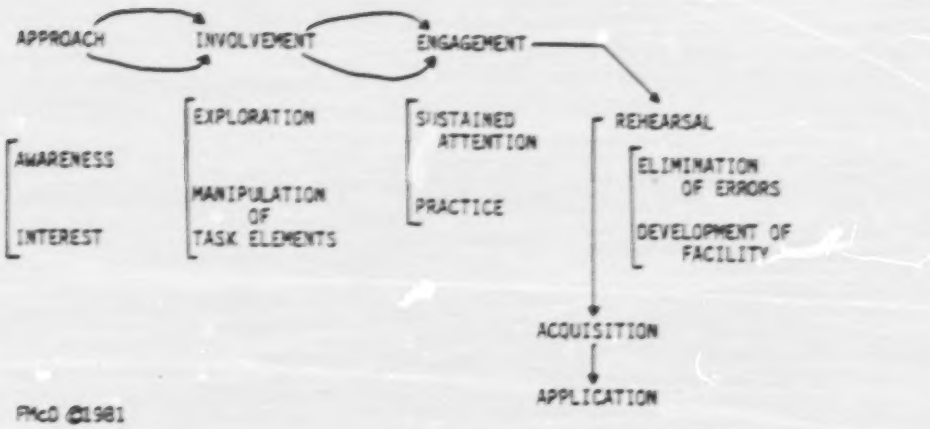

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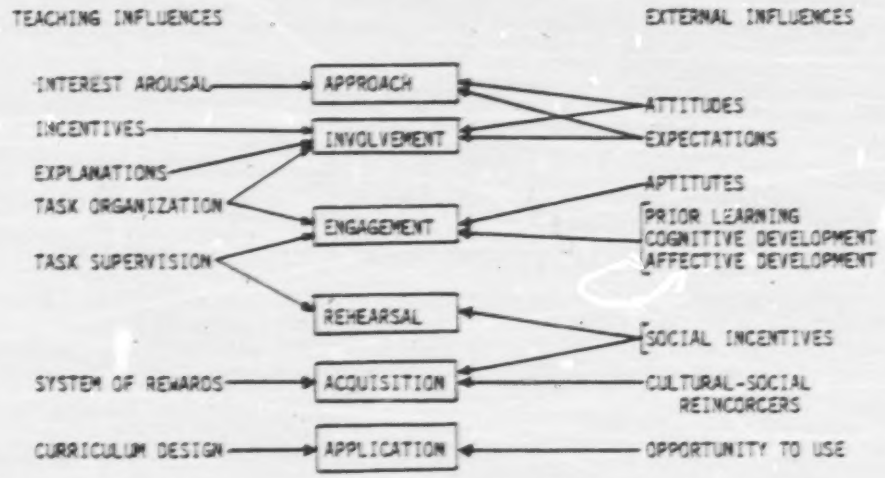
CHART II

MAJOR INFLUENCES ON LEARNING



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effective teacher produces very rapid growth. You know as a learner that you work according to your own level of energy. You approach something much more effectively because it seems more interesting; you get involved, engaged; you do a lot of rehearsal and so on, especially with guidance of a highly effective teacher. Studies of non-effective and effective teaching have pretty clearly demonstrated what kind of teaching skills are related to these differences, so it seems to me straightforward to say you should have a preparation system, the function of which is to guarantee that people can teach what they know if they have skills. The issue of teacher competency strikes me as something straightforward and uncomplicated, but it's not an accountability system because it's just for preparing people to do this particular job. Measuring a teacher's performance skills is something that none of us have done except on an experimental basis. We can give a competency test on knowledge but we won't measure the kinds of variables that will make a difference to performance, and those are the things which are related to learning.

In order to build an accountability system at the present time, therefore, it seems to me that one has to do it locally. You can prescribe at the state level that it must be a local problem solving, troubleshooting type of system. You can say that it has to get at the specific causes of problems, some of which are located in performance and in teaching, and some of which are located in the school.

It dawned on me that we are now mounting a new system. Two things are happening. One is that we have no experience in any of these systems. We have never set minimum standards before, and we have never built this kind of accountability system and used to it. Since this is all new, I prefer to go somewhat slower rather than faster, and I'm getting really uneasy about the pace at which we're going. The other thing is that these systems are not going to produce rapid change, and no matter what you do, they will be basically

gross systems. If you work with the teacher preparation system, it will take two decades to get enough teachers into teaching to get any kind of an impact. But the state assessment system is not usually built to produce long-term impact, so putting such a system in isn't going to have any impact unless people get stirred up. Every now and then, people will be aware of the state assessment system, and then they'll forget about it when something else pops up. The Pope will get shot and we'll forget all about state-wide testing. The system itself is not going to make our future, so if you're going to produce change, you better find a system that gets at causes of problems, that gets at them efficiently, and gets them out quickly. And good luck — because we've discovered that the basic unit of time in affecting educational change is five years.

Dr. Diana Pullin
Center for Law and Education, Inc.
Cambridge, Massachusetts

ACCOUNTABILITY TESTING — BE AWARE AND BEWARE

Despite the attempt to separate the issues here, I have great difficulty in separating the educational from the legal aspects of some of the kinds of accountability programs the states have described, and it is probably not productive in most instances to do so. Increasingly, the imposition of legal mandates either by statute, by regulation, by State Board, or by a court of law demand of the educational profession things which the professional is not capable of delivering at this time. In many instances, educators have been asked or demanded to do something that they are not, in fact, able to deliver in a way that they are comfortable with. I would like to emphasize as a way of warning you about my topic, that education is my first level of interest. Law is a means to an end, as far as I'm concerned, and it would be almost impossible to keep me from talking about education anyway. As a word of warning, I would say that you may wish to take what I say with consideration of what Commissioner Turlington said when the successful appeal concerning himself and the Debra P. case was concluded. After we won the case on the appeal, Commissioner Turlington called a press conference and declared that those of us who had raised questions about the competency testing program were un-American.

It is important in considering all of the types of accountability programs we have discussed to realize that there is a demand for increased educational standards, and that demand is very real and very important. But I would ask you to consider whether the accountability programs we discussed are, in fact, progams which are so designed that we will improve or increase educational standards. The public is in need of educational accountability, but we must consider whether these are, in fact, educational accountability efforts;

whether they are designed to be accountability efforts, whether they will have that result; or whether, instead, some of them will result in a consumer fraud, i.e., the picture of an educational system that is not entirely accurate, and which in the long run will provoke more public opposition than the educational system presently faces.

Secondly, those who question minimum competency programs and other accountability programs involving testing are individuals who are not against testing per se. They are people who feel that educational testing is a very important function, and who ask whether the particular test that is being used is a quality test. Those of you who work under either existing or coming mandates for educational accountability should be aware or beware of the implications of the demands being made on you. I am going to talk mostly about minimum competency testing because that is what I have thought the most about. But I think some of the lessons to be learned from the minimum competency testing movement will affect all the kinds of accountability efforts we have been describing.

Primarily, all of those efforts involve attempts at a political intervention rather than attempts at educational innovations. I see these accountability efforts as being a result of very significant and substantial political pressures rather than the result of an enlightenment within the educational profession which attempts to apply new learning to educational practices. Despite the fact that these accountability efforts are all basically political innovations, they have very real educational impacts, and those educational impacts alter the educational system in this country in several ways.

First, we are in the process of redefining what we mean when we designate someone as an "educated" individual. We are redefining the outcomes of our system of elementary, secondary, and teacher education. The definition is being changed as the objectives for the accountability programs are outlined.

We also, however, are redefining or reassessing our demands about quality of educational services being provided. Although the demands for increased quality are being made, there is a real problem regarding whether the standards being implemented are, in fact, increasing standards. Elaine Lindheim referred to the problem earlier. The question is not only whether the test measures against a standard which is a new higher standard but also whether the test is consistent over time. Several of the competency testing programs I have examined, for example, are touted as being programs in which increased student performance on the minimum competency test is described as proof that the educational system is both working and provoking real educational improvement among students. The same educational testing efforts, however, use test instruments which have never been validated. There is no proof that the tests are not getting easier and easier, and therefore, there is no proof that the students are learning more than they have in the past. I suggest caution before implying that a particular system is functioning more efficiently, when, in fact, it could be undermining the pursuit of accountability because of the nature of the test instruments used. This may be the inevitable result of the political motives of those who propose many types of accountability efforts, although any measured improvement in educational achievement relieves some of the political pressure which motivated the implementation of the program in the first place.

The other aspect to the change in the definition of education which results from these programs at the elementary/secondary level is that the programs are, in fact, narrowing the curriculum being offered in the schools. The "minimums" defined through competency tests or by the educational objectives are becoming the "maximums" due to the intense pressure on students and on teachers to perform successfully whatever the assessment standard is to be. This narrowing of the curriculum, which is a result of accountability efforts,

comes at a time when there is increasing evidence that it is not basic skills achievement which is declining. It is, instead achievement in the more complex skills -- complex skills which are not assessed in most competency testing programs.

Another very significant educational impact of accountability efforts is to have the result, if not the intention, of transferring control of education from the local school district or the teacher preparation institution to the state. The control over those programs by the state is potentially alluring to the federal level. The state is not dictating curriculum in those states where there is a state competency testing program. It is not outside the realm of possibility that the federal government will begin to dictate to the state directly. Many of the block-grant proposals we discuss in Washington now include a federal requirement for needs assessment or a measure of accountability. The second manner in which control of education is being challenged involves a shift which has been occurring for some time. Decision makers at the local level are changing from parents or schoolboard members to educators.

Finally, I think the impact of the accountability efforts we have discussed, and the impact which is of most importance to the legal system, is the shift of responsibility for the success of educational system from those who are providing the services to those who are receiving the services. It is very clear that the extent of the controversy over the use of minimum competency testing is as great as it is because of the extent of the harm on students who are denied diplomas and other rewards of the educational system. Let's look then, at the scrutiny of these kinds of accountability efforts by the courts, and let me try to project for you where I see all of this going in the near future.

First, you are fairly unique as a region in the country because you have avoided many of the problems inherent in these types of accountability efforts.

As I look across the country I see the use, for example, of minimum competency testing to:

- differentiate the diplomas awarded — the case in New Mexico;
- deny diplomas altogether;
- determine class placement;
- determine grade promotion; or to
- determine initial entrance into the school system, as was the case in South Carolina.

Each of these efforts holds students accountable to a different extent, but each of the efforts places upon a student a major responsibility for the success of the educational system. The chances of legal scrutiny of the program increases substantially when the student is to be held accountable or responsible for the success of the educational system — responsible in such a way that there are no provisions for weighing anything other than the student's own effort in making the determination whether education has been successful. We do not know the extent to which home environment, status, motivation, or effort contributes to the success of the educational process. There is no one who suggests that the student is the only variable in the education equation. Let me briefly describe the occasions upon which conditions of the accountability programs have triggered court scrutiny.

To date, there is a handful of lawsuits pending against various states and local school districts on the use of competency testing to make various determinations about students. Only two of these cases have been decided. The first decision was in Debra P. vs. Turlington, a court and district court case in which I was involved, and in which the court determined that it would be appropriate to place a four-year moratorium on the use of functional literacy tests used to determine the award of high school diplomas. That district court decision was based upon two theories. The first is that many of the students

tested as part of the diploma requirement were black students who had been denied equal educational opportunities in the past. There had been sufficient evidence of a relationship between segregation and test performance, but there was a substantial disproportionate failure of blacks. The students' earlier educational careers had been in segregated schools, and so it was not appropriate to use the testing programs for those students. Secondly, the district court was concerned about the phase-in time for implementation and time afforded for preparation. The court basically held that there is a requirement under the Constitution of this country that students and teachers be given an adequate opportunity to prepare to pass an examination when that examination is used to determine the award of a diploma.

Our appeal of the case was based on the grounds that the court had not sufficiently understood the importance of this need for notice of phase-in and that if there was a Constitutional requirement of notice of phase-in time, that requirement was more substantial than the district court had described. There had to be not only phase-in time, but proof that during the phase-in time, there were efforts being made to ensure that the students did, in fact, have an opportunity to learn what was on the test, and were being subjected to a test that matched what they had been taught. The appeal was successfully concluded on behalf of the students. I suspect, however, that the matter won't end there, but I do not see a strong likelihood that the Supreme Court will be interested in going all the way in considering issues of general testing techniques. I am not sure this is the issue they would be particularly interested in, and they have the right to decline to consider it.

The decision is not one which leans heavily on legal precedent. It is a decision which is based upon a fairly intuitive conclusion on the part of the Court that when you propose a legal mandate of the type imposed, there are certain common sense principles which must apply because those principles are

rooted in the due process and protection clauses of the Constitution. Briefly summarizing, the Court said that it is very important and very attractive to increase educational standards. Quality of education must be improved, and the Court recognized, as has every other court to consider this issue, that efforts to improve educational quality are desirable and that they should be encouraged. What the Court said, however, is that you have an educational system which the students enter with a reasonable expectation that if they progress successfully through school attending on a regular basis, passing their courses, and getting good grades, that the successful passage through the program will result in a diploma. It is unfair to have successfully gone through the system with the presumption tht you were being educated and then be told at the eleventh hour and the twelfth hour that while you thought you were being successfully educated, we have ascertained that we have a new measure that indicates that you were not. I spoke to many of my clients who said to me, "What can I do? I went to school regularly. I got A's and B's. In fact, I was on the honor roll. I did everything I possibly could do. All of a sudden I was given this test which they told me indicated that I had not been successful." The Court recognized that the expectation on the part of the student regarding the successful passage through the system was legitimate reasonble and constitutionally protected. There were certain standards to which the state would be held in attempting to deny that reasonable expectation to the students.

The Court recognized that there is some fundamental principle of fairness involved in such testing programs. The principle requires that when one is going to use a high school test as proof that the student has successfully passed through the educational system, it must be established that that examination covers materials that the student has been taught in the schools. The court used the terminology we have been suggesting for a long time: that

in curricular guides, the state using a test to deny high school diplomas must establish that the things used in the test are currently taught in school, that they have been taught in the past, and the students have had a fair opportunity to learn. In the oral argument to the appeals court, Florida could not prove those points. There certainly was not a sufficient amount of proof being offered as to the match between testing and teaching, and, in fact, the state commission handling the study of the testing program had concluded that the information covered on the test may have been taught to some students but may not have been taught at all. I like the analogy the Court made in discussing the whole process of education. The Court points out that just as a teacher in a particular classroom would give the final examination only on what he or she taught in that classroom, a school should give a final examination only on the completion of twelve years of study on what had actually been taught during those years. I am sure that what you saw as a final examination for graduation has not been taught in all the schools, in all the classrooms, to all the students. On that conclusion, the Court sent the case back to the trial court and said to the trial court, "give the state an opportunity to prove to you that, in fact, the test items are taught." But noting the racial implications of the test itself, how grossly out of proportion failure rates are for black students, the Court went on to indicate that even if the Court was assured that what was tested is what was taught, if the racial disproportion of test results remained, the Court must also establish that there is not a racial basis for those test results. The Court must determine whether the scores are a result of past denials of educational opportunities or ongoing discrimination in the educational system of the state, or something else.

The Florida case, therefore, presents two sets of claims against the accountability programs. The first set of claims is fairly legal concerning racial discrimination in education and the ongoing effects of that past

discrimination and the impact of current acts in discrimination. In addition, the Florida case presented some very viable and somewhat novel legal issues on behalf of every student in the school system regardless of race, language background, or handicap. Those claims are rooted to, and fundamental to, accountability. Are we, in fact, imposing systems of educational accountability in which we are asking people to deliver what they say they are delivering? Those claims will affect not only students but, as we shall see, teachers and teacher candidates. The Florida case is being tried again and replicated in the state of Georgia. That decision will be forthcoming in a couple of weeks. And it may well be replicated in some other jurisdiction.

In addition, though, there are some other types of claims not addressed in the Florida litigation or in the Georgia litigation which also affect the delivery of educational services. There has not yet been a claim presented by limited-English speakers. Are those individuals offered fair opportunities to learn the language, and do the tests give a fair chance for those students to demonstrate proficiency? There has been, however, a successful lawsuit brought on behalf of handicapped students who were subjected to a test for diploma. In that case, a school district sued the New York Commissioner of Education on behalf of two handicapped students who had failed the commissioner's competency test. The school district refused to deny the diploma to those students, though, saying that the students had successfully completed their schooling, and had successfully progressed through their individualized educational programs. They were entitled to diplomas. The commissioner's testing program, which did not accommodate handicapped students, was unlawfully discriminatory against those students on the basis of their handicap. A decision handed down in February, by a New York state court, held that under federal statutes concerning education for handicapped, as well as New York statutes and the Constitution, a test for diplomas, when handicapped students do not have a fair

opportunity to participate, is unlawful. Note that the key to the New York judge's decision was not the special education statutes. In fact, for the most part, he discounted those. The judge's decision was based on Constitutional due process. There is a notice and phase-in requirement which is important because it gives students fair opportunities to prepare for the test. The New York judge heard some expert testimony which indicated that handicapped students need to be given even more time to prepare to pass a minimum competency test than other students. He alludes to the fact that the time period should be rather lengthy. So the timing is important, and extra time may need to be important to handicapped students. On that basis, a New York judge said that it was unfair to deny diplomas to handicapped students. A similar case has just been initiated in Illinois.

There are a couple of other sets of issues which might be coming down the road. Given the present conservative attitude of the country, I suspect that there may be challenges either by students or by teachers to the inclusions in certain of these accountability assessments, of questions which infringe upon people's religious or political beliefs. Some minimum competency testing questions I have seen would offend the Pope because they ask about reproduction. Others would offend feminists because they depict very traditional sex roles in the family. Others would offend certain Indian groups because they imply some values which I think are not universally shared.

There is the potential for new litigation concerning the extent to which the tests are reliable and whether minimum competency test results reflect educational inadequacy. To explain what I mean let me also explain how I think this may be the way in which these accountability efforts will come back not only to haunt educators but to kick them in the face. I think the test for diploma and the other kinds of accountability you have described were, in part, a response to the so-called educational malpractice cases which came out in the

early 70's. These were cases in which students who had been given diplomas but who continue to be functionally illiterate sued their school districts for damages, alleging that they have been victims of malpratice by educators. Every one of those cases was unsuccessful. But the politicans who pass these kinds of accountability requirements never really recognized that those lawsuits were unsuccessful. I think it was an attempt to protect themselves that they began implementing these kinds of accountability schemes. It is very possible, however, that instead of allowing the educational system to wash its hands of some of the allegations of educational incompetency, people may use low test performance as a part of an indication that the educational system is not functioning well. If you define a minimal competency program, that is, the minimum standards of education in your state or in your school district, you are defining what a minimal level of education for every student in your state or school district is to be. Once you define that minimal level, the presumption is that you can deliver those educational services to most students. There may be some exceptions, but for most students at that level a service can be provided. For students, like my clients in Florida, successfully to progress through the system working on that kind of minimal adequacy is an accountability scandal. If a student progresses, receives good grades, passes exams, and then, with a number of his or her colleagues, fails the minimum competency tests, one might legitimately presume that the reason for failure is some dysfunction in the educational system. It might be called malpractice because it results in a failure to provide the student the minimal level of education which you define in your performance standards or your objectives as that which was reasonable for all students and teachers to obtain. In the future, therefore, I see people using minimum competency test results to attempt to get a foot in the door in a way they could not have done with educational malpractice suits. And you may find people using the results of

educational malpractice suits. And you may find people using the results of your tests to challenge the success of the educational system. That challenge might well be linked to a school finance challenge because many of the areas in which test performance is lowest are also areas in which there would appear to be a disproportionate allocation of educational resources. The minimum accountability lawsuit might also include a challenge to the way schools' finances are distributed in the state. That, I think, will very possibly be the new direction for suits related to students.

Because my time is running out, let us talk about how these issues will affect teachers. Certainly the minimal adequacy lawsuit makes an impact on teachers, although I think it would be very difficult to determine how an individual teacher could be responsible for acts in which many people are involved. Note, however, that student performance on standardized achievement tests has been used successfully in the past to determine teacher tenure and to determine teacher discharge. There is an Iowa case, the Scheelhaus case, in which a teacher was successfully discharged because her fourth grade class did not achieve the educational advancement the school district expected on the Iowa tests of basic skills. The teacher organizations are quite logically asking whether, in the near future, teachers will be evaluated on the basis of student performance on minimum competency for state-wide assessments, and with the little bit of guidance we have, indications are that that could very well happen, and the teachers could be very successfully discharged on that basis. The issue of assessment of teachers either as potential teacher candidates, or for their classroom effectiveness, is similar to the students' analysis, but only in a limited way. It is in a limited way because the harm which will result, or the harm which will be caused by the use of the test to make it a significant decision about a teacher or a potential teacher is not quite the

same as the harm which resulted in Florida, for example. The harm in Florida was overwhelming. The denials of access to higher education and to the job market were clear. In the case of the teacher, someone denied access to a teacher training program or to a particular job in the teaching profession is not quite as significant. There are other recognized alternatives. There is also more freedom of choice for either a teacher training candidate or a teacher. The students in Florida have no choice but to go to school, and they had no choice about what school to attend. The teacher training candidate has much more choice, although I suppose that may be limited if the teacher training candidate really only had one state institution, for example, to go to be trained to be a learning disability teacher. Because of those differences in the impact of the testing program, I think the issue or the match, for example, between teaching and learning is a little different. As a teacher training candidate, if I am not getting the instruction I need to be certified in your state, I can go somewhere else to get that intruction. The issue of the job-relatedness for some of the instruments used to assess teachers I think is a very real one. There might be significant potential difficulties for those involved in perpetuating those tests; this is one area in which the legal mandate is quite clearly demanding more than I think the profession will deliver. I am not sure that we can say what makes a successful teacher, and I am not sure that we can say how we can assess that with a paper and pencil or an observational measure. I do see the potential for mounting successful challenges to those kinds of teacher accountability efforts. I suspect this because they watch and participate so closely in kinds of work we have done on behalf of the students, and I think that they are thinking very seriously about taking some of the lessons learned in the minimum competency testing contests and applying them either to teacher accountability or to provisions to limit access to the teacher profession. I do not think that any of you are going to

be similarly harrased as in Florida. You have the benefit of learning from the mistakes that Florida made, and they are mistakes that are related to the context in which the SEA was placed. The SEA was asked to do the impossible, and I think the only criticism I have of the Florida SEA is that it did not clarify that point to those who asked them to do it. The lesson is that when you feel you are being asked to do the impossible by a legislator, by a state board, by a commissioner, know what you can deliver and know how quickly you can deliver it. If you are asked to do something that you feel professionally uncomfortable with, say so. And say so, if you can politically, in a public way. Those of us who scrutinize these cases because our clients ask us to do so are not going to challenge you personally for acting if we feel that you have made a good effort to attempt to do your best, and if we feel that you exercised your professional responsibility. I doubt that most of you will ever be defendants in lawsuits because you can avoid that by exercising your best professional judgment and by engaging in good professional practices.

IV. DISCUSSION OF THE ISSUES

During the course of the symposium, there were many occasions when questions arose which inspired spirited exchange. The following is a brief summary of those questions and the interactions they inspired.

Educational Malpractice and the Burden of Proof

Q: Would Dr. Pullin comment on educational malpractice?

Dr. Pullin: It is difficult to sue for malpractice when no standards are set. In the past, malpractice suits have been unsuccessful. Now that states are setting standards, opportunity for educational malpractice is renewed, although it is still very difficult to say what teaching practice is.

Dr. McDonald: If standards are set, why shouldn't people sue? Educators just have to be aware of the possibilities.

Q: But is it possible to prove that the elements that are tested were, in fact, taught?

Dr. Pullin: In Florida, only the remedial classes could be described as "teaching to the test."

Mr. Nix: A process of review is the only way to accomplish the task — a process which constantly compares what students should know *versus* what teachers have taught them.

Ms. Lindheim: And you must make those comparisons when you're forming the program and when you're evaluating it.

Q: But what constitutes proof?

Dr. McDonald: You have to determine whether "you've taught it and the kids haven't learned it yet," or whether "you've taught it and the kids can't learn it." Wouldn't you have to show some kind of systematic deficiency?

Dr. Pullin: No legal standard of proof has been set, and I wonder if it can be. How can you prove what has occurred without being in all the classrooms?

Ms. Lindheim: You'd have to have a very thorough explanation of what the test is measuring and thereby focus the issue.

Dr. Pullin: Probably you'd have to give a general assurance of the relatedness of the program, the teaching, and the testing. Likely, the Court would expect the local school or the state to establish a curricular match. And since criteria for proof doesn't exist, you'd ask the Court to define the standard of proof first, and it would probably be minimal.

Mr. Levinson: There is no consensus of opinion in this area. With a shift of power from the LEA to the SEA, and the development of state ratings, the state would probably have the burden.

Dr. Majetic: The Court would really be asking for a rational vs. an arbitrary measure. It would want to know that there has been some attempt at the development of a rational answer to a difficult problem. The Court wouldn't necessarily scrutinize beyond that.

Mr. Nix: That's good, because connecting deficiencies with program parts is difficult.

Dr. Evans: I agree — how do we find the breakdown? Although too many times, we substitute a new program for analysis.

Minimums and Maximums

Q: How do we prevent minimums from becoming maximums?

Ms. Lindheim: There are several things you can do:
(1) be clear in your expectations,
(2) be sure test-makers have an explication of each test item,
(3) know what you want so you will know when the students have learned, and
(4) involve lots of people in establishing minimum standards.

Q: But who decides who is to be educated? In public school, everyone wants in — how do you do it?

Ms. Lindheim: Make people think the program and the testing are working, and perhaps teach to the test.

Mr. Nix: But lay people don't have a consensus on the minimums any more than we do.

Mr. Levinson: But they, or groups of them, can either put pressure on the public school or opt out. You have to think about who has political power. Certainly, there are social rewards for the elite in other school settings, and in times of scarce employment — what good is the minimum? The value of what you have depends on what others have.

Ms. Davidson: So it could be that minimums may actually bump all standards upstairs.

Ms. Lindheim: And we'll see who has the power. A diploma does have a value to some people. And litigation comes from the disadvantaged, especially if the rich go to privte school.

Dr. Evans: In Mississippi, most kids are in public schools. 8% are in private schools.

Mr. Hamilton: In Louisiana, 10-12% of our kids are in private schools, many of which have no interest in accreditation. Of course, as times get harder, it's difficult to say how much the parents are going to want to support these private schools.

Dr. Pullin: As to preventing minimums from becoming maximums, plan lots of program phase-in time. Begin at the elementary school, and alter the system over time toward higher standards.

Norm-Referenced Tests vs. Criterion-Referenced Tests

Q: Both norm-referenced tests and criterion-references tests look the same to me. Could someone help me see the differences?

Ms. Lindheim: It is important to remember how the instrument is formed. In a norm-referenced test, you are measuring a students's attainment against the attainment of a group of other students. You do not necessarily learn whether Student A mastered a particular skill or body of knowledge, but you do have an idea of what Student A learned as compared with what the other students learned. Perhaps no one mastered the skill or the body of knowledge, but the students are not measured against that. In a criterion-referenced test, they are. One designs the test to measure an individual student against a stated standard. Ideally, one learns whether or not that student's learning measures up to the standard — that is, Student A did master the skill or s/he did not. The two tests call for different analyses, and to choose one over the other, one must determine why one is testing, and what, specifically, one wants to know.

Accountability, Money, and Effectiveness

Q: I've been thinking about the uses of accountability outcomes. Does anyone have data regarding the impact of money on school outcomes?

Dr. Evans: Mississippi doesn't have any actual data regarding the impact of money on achievement, but it seems to us that there might not be a positive correlation.

Mr. Nix: It's the same thing in Texas. We don't have any data, either, but we do have at least one urban school district which has had several moneyed programs — an abundance of riches — and still has low achievement. We have other districts that have much less money and higher achievement.

Ms. Davidson: Of course, just because that district has moneyed programs, they're not necessarily good programs, or programs effectively taught. Money isn't the only variable there.

Dr. Evans: True. But we're not seeing high achievement in all those heavily-financed Title I schools, either, though I know we have to consider student socio-economic status in those results.

Dr. McDonald: The Educational Testing Service has found a negative correlation between paraprofessionals and outcomes. Maybe a way of cutting money and raising accountability is to eliminate paraprofessionals!

The Power to Set Minimum Standards

Dr. McDonald: As we have been discussing all these issues, several questions have been bothering me. What power do we have to set minimum standards? By setting the standards, the SEA is getting more and more involved in social policy issues; do we have the right? After all, perhaps the setting of minimum standards is inherently inequitable -- for the handicapped, for those who have been denied equal educational opportunities for any reason, for those who have difficulties or inabilities in learning.

And who is responsible for seeing that the standard is met -- the teacher or the state? What is fair? Perhaps we should leave it to the individual professional and intervene where possible. After all, we are talking about social experimentation in an area where there is no experience. Are we talking about needing something similar to a Food and Drug Administration for children's rights? Society is developing centralized functions, and it looks like states can dictate the curriculum, for good and bad.

V. SYNTHESIS AND CONCLUSIONS

Accountability and competency standards presume that one can describe that body of knowledge or that collection of skills which every child ought to master as a result of passing through public schools in the United States. It presumes that the knowledge and skills common to every effective teacher can be described and taught.

These presumptions, however, collide with the multiple, complex demands characteristic of a pluralistic society. The dominant culture of the United States has assumed that its public services were based on equal opportunity and equal treatment. It has assumed that anyone could accomplish anything if the rules were followed and the system depended upon. Yet the educational system flies in the face of these beliefs, saying, "No, you don't have the minimum skills in mathematics so you can't have a diploma," or "It seems that you don't have the necessary awareness of proper teaching methods, so we won't certify you to teach in our state." Is this the just application of reasonable standards, or the denial of equal opportunity, or an indication that the educational system doesn't work?

And if the issue is uncomfortable for the dominant culture, what are the implications for the many other cultures co-existing in this pluralistic country? If a body of knowledge and a collection of skills should be common to every public school graduate in the United States, what determines these designations? What does the public school promise the student at the end of the process?

- the body of knowledge and the collection of skills necessary to get a job?
- the body of knowledge and the collection of skills necessary to influence one's destiny?
- the body of knowledge and the collection of skills necessary to cope with unpredictable change?
- the body of knowledge and the collection of skills necessary to support one's self-reliance?
- the body of knowledge and the collection of skills necessary to function as a citizen of the U.S. working for "the greater good?"

Are these the minimum skills youngsters need? Are there others? Could some of the required body of knowledge conflict with a cultural value? Do students go to school for different purposes, and if they do, does that change their expectations of the body of knowledge and collection of skills they should receive? Can someone from one culture accurately describe the minimum knowledge and skills essential to someone from another culture? Are there aspects of life in the United States which cut across all cultural groups, and are they the proper domain of the public schools? What does an effective teacher in a classroom in South Texas, an effective teacher in Jackson, Mississippi, and an effective teacher in rural Oklahoma have in common? Can it be described? Can it be learned?

If anyone could have possibly thought that competency and accountability were straightforward simple ideas, the symposium and this document certainly present evidence to the contrary. In the six-state region of the SEDL Regional Planning and Service Project, there are six different approaches and six different kinds of program implementation, all of which makes sense within the individual state's historical and legislative framework.

Even the national advisors are guided by different emphasis. When Ms. Cynthia Levinson, Conference Manager, asked each of the advisors for a description of an Ideal Accountability State, she received the following responses.

Elaine Lindheim	Fred McDonald	Diana Pullin
Each grade would have defined expectations for all students.	I would have a problem imposing standards.	My state would be very similar to Elaine's.
Local programs would be heavily guided by the State.	I would want a "cultural sign-off" from all affected groups.	I would emphasize, though, that there are many differences among individuals.
All programs would be monitored by measurement schemes.	I would reduce the amount of monitoring.	Tests would not be the only judge of a person.
There would be lots of support for the teachers.	I would use a problem-solving method to deal with social schemes.	

There is no doubt that the "how" of competency and accountability is still entangled with the "why," and several people are still wondering, "Even if we figure out how to have competency and accountability schemes, are we going to leave someone behind?"

Struggling with "should we or shouldn't we" becomes a luxury in the face of an indignant public or a pressured legislature. And while the states struggle, local school districts do, too. As this document was being prepared, an action of the Atlanta, Georgia school board was made public. The board voted to "base any [teacher] layoffs on judgements of competence rather than seniority...

> No final decision has been made on the criteria for measuring competence, but according to a draft proposal, weight would be given to several factors, including senority, eductional preparation and a supervisor's evaluation. The new plan is to take effect in the 1982-83 school year, when Atlanta will probably close several schools in the face of falling enrollment -- and many jobs are likely to be lost." (Newsweek, June 1, 1981, p. 69)

Competency and accountability issues remain complicted and volatile, and worth every opportunity for scrutiny and reflection. The Invitational Symposium on Competency and Accountability Issues was certainly one of those opportunities.

VI. APPENDICES

APPENDIX A

Reference Materials

Invitational Symposium
on Issues of
Competency and Accountability

1. Acts of Arkansas
2. Education Accountability in Arkansas Department of Education
3. Mississippi House Bill No. 35
4. New Mexico House Memorial 12
5. Accountability in New Mexico Schools: An Interim Report
6. Excerpt from Texas School Law Bulletin: "Support for Educationally Disadvantaged Students"
7. Texas Senate Bill No. 50
8. Annotated Bibliography on Minimum Competency Testing (Northwest Regional Educational Laboratory)
9. Resource Bibliography on Student Competencies (Coordinating Information for Texas Educators)
10. Testing Teachers for Competency (AASA, 1980)
11. Critical Issues in the Evaluation of Teacher Performance (Edward F. Iwanicki)
12. Minimal Competency Testing: Unexamined Assumptions and Unexplored Negatives Outcomes (George F. Madaus and John T. McDonagh)
13. What to Look for in Minimal Competency Tests (George F. Madaus)

APPENDIX B

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